

**REMARKS**

Claims 1, 2, 5, 9-11, 15, 21-26, 28-30, 35-40, 43, and 45-49 have been amended. No claims have been cancelled and no new claims have been added.

**Rejections Under 35 USC 102(e)**

The Examiner has now rejected claims 1-7, 22-31 and 46-49 under 35 USC 102(e) as being anticipated by Walker (US 5,963,911).

Claim 1 recites:

1. (Currently amended) A method of annunciating problems in a system, comprising correlating performance degradation information and service violation information associated with system problems, to produce problem priority information for said system problems; and  
  
producing signals for concurrently indicating said system problems and said problem priority information associated with said system problems.

Effectively, the elements of original claim 10 have been incorporated into claim 1.

Walker fails to disclose correlating performance degradation information and service violation information associated with system problems to produce problem priority information for said system problems and fails to disclose producing "signals for concurrently indicating a plurality of system problems and said problem priority information associated with said system problems".

Walker describes an algorithm for allocating resources to jobs and provides examples of allocating service personnel to service jobs whereas the present applicant claims "a method of annunciating problems in a system". Walker and the present applicant address two different problems.

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In the Walker system, the jobs appear to be well-defined. Given a list of jobs, the problem solved by Walker is the allocation of technicians to attend to those jobs through the use of the method described above. Jobs appear to be allocated according to the ability of technicians to handle them.

Applicant's claims describe a system in which problems are prioritized (not allocated as in Walker) by both correlation of performance degradation information and service violation information. Correlation of performance degradation information may assist in defining one or more problems and priority of the problems and service violation information may further assist in establishing priority of the problems so identified. While on page 8 of the Official Action, the Examiner alleges that at Column 6, lines 44-63, Walker describes correlating as claimed, applicant respectfully submits that the Walker patent provides no disclosure or suggestion to correlate performance degradation information with problems and to correlate service violation information with problems, in the manner claimed by applicant. Lines 44-63 of column 6 of Walker describe a method used by a main program of a computer X. The method calculates an estimated time window of job completion for all technicians currently engaged on jobs and updates this if a technician reports job completion early or fails to report at the estimated time. The method first calculates a time dependant "cost function" for each job. This takes into account the penalty for failing to meet an agreed time. The method appears to be used for determining how to allocate problems to technicians in an efficient manner.

The use of cost function employed by Walker is simply to allocate jobs and is not comparable to correlation of service violation information as recited by applicant, to determine problem priority in conjunction with correlation of performance degradation information. Clearly, applicant's basis for determining problems and problem priority involves more than simply a penalty for failing to meet an agreed time as proposed by Walker. Consequently, applicant respectfully submits that Walker fails to disclose or suggest correlating as recited in applicant's claims.

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In addition, Walker fails to disclose "producing signals for concurrently indicating a plurality of system problems and at least some of said problem priority information". The Examiner appears to have relied on col. 6, lines 25-28 of Walker as describing this subject matter. This section and the related context of Walker, up to Col. 6, line 36, is repeated here, for convenience:

"The problem is to determine which of jobs J4, J5, J6, J7 technician T1 should be instructed to perform next. The method used by the main program of computer X takes into account.

whether the technician can perform each individual job;

the time the technician would take to travel to the location of each job;

the time the technician would take to perform each job;

the relevant importance of each job, determined for example by the number of customers affected or the agreed maximum response time; and

the availability of the other technicians T2, T3."

From this passage there is nothing to suggest "a method of annunciating problems in a system comprising producing signals for concurrently indicating a plurality of system problems" as recited by applicant. While Walker employs information about a plurality of problems in the algorithm they describe, such problems are not annunciated by producing signals for concurrently indicating a plurality of system problems, as claimed by the present applicant.

The algorithm employed by Walker receives information relating to jobs to be done and assigns jobs to technicians by transmitting instructions for the job to

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a handheld terminal used by the technician that is to receive the job assignment. As the Examiner points out on page 6 of the office action, the display (of the handheld device) is the only notification system in the scheduling of Walker. There is no description or suggestion that the handheld devices receive or produce signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems. Rather, at Col.18, line 65 – Col 19, line 9 Walker states:

“Although to retain maximum flexibility it is preferable to inform each technician of the next job required of him only when the previous one is completed, for operational reasons it is desirable to have details of the second job to be done available to the technician. This is a provisional allocation, as the circumstances may have changed by the time the first job is completed: for example a more urgent job may need to be allocated to him instead. Details of this second job can be communicated to the technician's terminal H1, which will only display them if on attempting to reporting completion of his first job, it is unable to contact the control centre.”

Note that while details of a first job would have already been displayed to the technician, details of the second job are only displayed on attempting to report completion of the first job. There is nothing to suggest that details of the first and second jobs should be concurrently indicated. Indeed it seems Walker sought to restrict indicating details of the second job until the first job is reported as being complete. Thus, Walker fails to disclose or suggest “producing signals for concurrently indicating said system problems...”.

Furthermore, there is nothing to suggest that priority information should be indicated concurrently along with the plurality of concurrently indicated system problems, as claimed by applicant. Walker may consider job priority in execution of the algorithm described, but annunciation of jobs appears to be done one at a time and not concurrently. Similarly, related priority does not

appear to be annunciated concurrently, rather the order in which jobs are assigned appears to be dictated by technicians' abilities. Thus, the signals produced by Walker do not permit system problems and related priority information to be concurrently indicated, as claimed.

In view of the foregoing, applicant respectfully submits that Walker fails to describe or suggest each and every element of the claimed combination and therefore the rejection of claims 1-7 under 35 USC 102(e) is overcome.

Claims 22, 23, 24 and 25 are related to claim 1 as medium, signal, means and apparatus claims respectively and include limitations similar to claim 1 and therefore the rejection as it pertains to these claims is also overcome.

Claims 26-31 are similar to claims 2-7, in apparatus form and therefore the rejection as it pertains to these claims is also overcome for the same reasons as claims 2-7.

Claims 46-49 recite the same concurrent indication of system problems and priority information recited in amended claim 1 and therefore the rejection as it pertains to these claims is also overcome for the same reasons as amended claim 1. The entire rejection under 35 USC 102(e) is therefore overcome.

#### Rejections Under 35 USC 103

The Examiner has rejected claims 8-20, 32-44 and 45 under 35 USC 103(a) as being unpatentable over Walker in view of Douik (US 6,012,152).

Claims 8-20 ultimately depend from claim 1 which has been shown above to distinguish over Walker.

In addition, with respect to claim 8, the Examiner alleges it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and therefore create a more user-friendly system which

shows not only the prioritized tasks, but also user selected data in a easy to use hierarchy. The Examiner also points out that the display is the only notification system in the scheduling of Walker.

As explained above in connection with the rejection under 35 USC 102, however, in the scheduling system of Walker, details of the second job are only displayed on attempting to report completion of the first job. There is nothing to suggest that details of the first and second jobs, for example should be concurrently indicated, and it seems that Walker prefers to only indicate one job at a time to the technician. Thus, since Walker only desires to show one job at a time, there is no motivation to provide annunciation of a plurality of system problems and related priority information, or in other words, there is no motivation to combine the references.

In addition, even if there were motivation to combine the references, there is nothing in Douik to suggest user selection of at least one of performance degradation information, alarm information and service violation information, for concurrent display with an associated system problem, as recited in applicant's claim 8. The Examiner has indicated that passages at col 25, lines 19-26; col. 27, lines 43-52; and col. 28, lines 26-30 of Douik describe this aspect, but these passages appear to relate to the ability to "zoom in on an area of interest", give the user access to control the managed system; and identify suspected faulty products, product experts, severity and identity of known fault and technical solution, respectively. Col 28, lines 26-30 further indicate that data collection may be a collection of exchange data, restart data, log files, printout alarms, event logs, etc., but nowhere is there any specific disclosure or suggestion that the user can select to cause a printout alarm, for example, to be concurrently displayed with an associated system problem. Thus, Douik fails to disclose or suggest user selection of at least one of performance degradation information, alarm information and service violation information for concurrent display with an associated system problem as recited in applicant's claim 8.

In view of the foregoing, applicant respectfully submits there is no motivation to combine the teachings of Douik and Walker and that even if the teachings were combined the result would not be the invention claimed by the preset applicant. Consequently, it is respectfully submitted the rejection of claim 8 under 35 USC 103(a) is overcome. Claim 8 should be allowable due to its dependence on claim 1 and due to the additional subject matter it claims.

With respect to claims 9-20, these claims ultimately depend from amended claim 1 and therefore the rejection is overcome due to this dependence and due to the additional subject matter claimed in each of these claims.

Furthermore, claim 9 recites producing problem priority information involving producing signals depicting at least one of performance degradation information and service violation information. Referring back to applicants response dated December 9, 2003, in connection with the official action dated September 12, 2003, applicant pointed out that Douik et al fail to provide any clear description of displaying priority information as claimed by applicant. Similar arguments apply to claim 11.

Claims 32-44 are ultimately dependent on claim 25, which has been amended similarly to amended claim 1. These claims have been rejected for the same reasons as claims 8-20 and therefore the arguments presented above in connection with claims 8-20 as they correspond to respective ones of the set of claims 32-44 also support a conclusion that the rejection of claims 32-44 is overcome.

In the rejection of claim 45, the Examiner alleges Walker discloses certain features of the applicant's claim including the concurrent indication of a plurality system problems and associated problem priority. Claim 45 has been amended similarly to claim 1. Walker fails to disclose or suggest "a signal generator for correlating as claimed or for producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems....", or "a display device for producing a

visual image in response to said signals" as recited in claim 45. For the reasons given above in connection with amended claim 1, amended claim 45 distinguishes over Walker.

The Examiner has relied on Douik as disclosing the display device recited in claim 45, and points to the same passages as he relied on in rejecting claim 8. It is respectfully submitted that the signals recited in claim 45 are specific in that they are "for concurrently indicating a plurality of system problems and problem priority information associated with said system problems" and the passages relied on by the Examiner do not disclose or suggest this.

Furthermore, in the response to the official action dated December 9, 2003, applicant's representative provided reasons why a rejection of claim 21 under 35 USC 102(e) was improper due to a lack of disclosure by Douik of the recited elements claimed in claim 21. Claim 45 is similar to claim 21 in that it recites concurrent indication of a plurality of system problems and problem priority information associated with said system problems and therefore, it is respectfully submitted that the arguments previously presented in connection with claim 21 similarly apply to support a conclusion that Douik fails to disclose or suggest the elements recited in claim 45.

In short, neither Douik nor Walker taken alone or in combination provide sufficient information or motivation to lead one of ordinary skill in the art to the invention claimed in claim 45 and therefore the invention is not obvious and the rejection is overcome.

The official action indicates that claim 21 is rejected, but no reasons have been provided. Arguments were presented to show how claim 21 distinguishes over Douik, in the response dated December 9, 2003, but no response to those arguments has been provided by the Examiner. In the event the Examiner is considering a rejection of claim 21 on the basis of Walker, the Examiner is requested to carefully consider the arguments



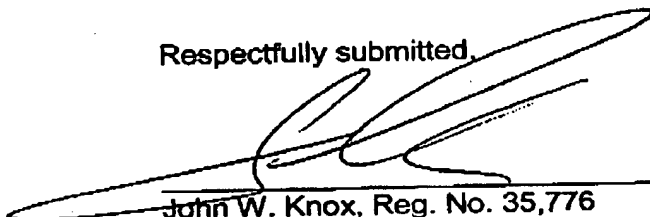
presented above in connection with claim amended 1, which recites language similar to that of claim 21.

Applicant respectfully requests further favorable consideration of the application.

Applicant herewith petitions for an automatic extension of time for two months, from September 3, 2004 to November 3, 2004, for responding to the outstanding Office Action dated June 3, 2004.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 06-0713.

Respectfully submitted,



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